

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 14 07

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Gabriel CRUZ-Cornejo,

Defendant

Magistrate Docket No.

BY 9 COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about May 05, 2008 within the Southern District of California, defendant, **Juan Gabriel CRUZ-Cornejo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Ismael A. Canto
SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF MAY 2008.

Louisa S. Porter
Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Juan Gabriel CRUZ-Cornejo

PROBABLE CAUSE STATEMENT


I declare under the penalty of perjury that the following statement is true and correct:

On May 3, 2008, Border Patrol Agent C. Llamas was performing line watch on the All Terrain Vehicle unit in an area known as "Yellow House". At approximately 10:20 A.M. Agent Llamas responded to a call from the East high point operator from the National Guard of three possible illegal aliens low crawling north in a area known as the "Yellow House". "Yellow House" is approximately 100 yards north of the International Boundary Fence between the United States and Mexico, and approximately 2 miles west of the San Ysidro, California Port of Entry. Border Patrol Agent R. Gonzalez and Agent Llamas, assigned to the All Terrain Vehicle unit, responded to the area. Upon arriving, Agent Llamas and Agent Gonzalez encountered three individuals lying down. Agent Llamas and Agent Gonzalez immediately identified themselves as a United States Border Patrol Agents and questioned the individuals, including one later identified as the defendant **Juan Gabriel CRUZ-CORNEJO**, as to their citizenship and nationality. All subjects, including the defendant, freely admitted to being citizens and nationals of Mexico and in the United States illegally without any proper immigration documents. At approximately 10:30 A.M. all individuals, including the defendant were arrested and transported to the Imperial Beach Border Patrol station for further processing.

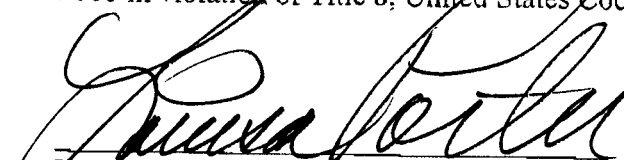
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on June 19, 2000 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

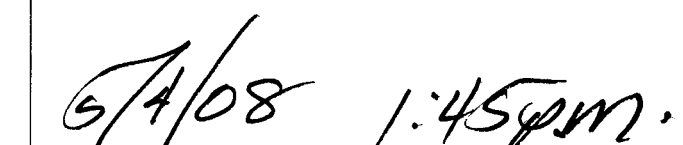
The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without the proper documentation. He further stated he did not apply for permission to re-enter the United States after being deported.

Executed on May 4, 2008 at 9:30 am.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 3, 2008** in violation of Title 8, United States Code, Section 1326.


Louisa S. Porter
United States Magistrate Judge


Date/Time